

**SUPREME COURT MINUTES
TUESDAY, OCTOBER 6, 1998
LOS ANGELES, CALIFORNIA**

The Supreme Court of California convened in its courtroom in the Ronald Reagan State Office Building, Third Floor, South Tower, 300 South Spring Street, Los Angeles, California, on October 6, 1998, at 9:00 p.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Mosk, Kennard, Baxter, Werdegard, Chin, and Brown.

Officers present: Robert F. Wandruff, Clerk; Harry Kinney, and Walter Grabowski, Bailiffs.

S052824 Santa Monica Beach Limited, Petitioner

v.

Los Angeles County Superior Court, Respondent

Santa Monica Rent Control Board, Real Party in Interest

Cause called. Karl M. Manheim argued for Real Party in Interest.

R. S. Radford argued for Petitioner.

Mr. Manheim replied.

Cause submitted.

S047306 People, Respondent

v.

David Hernandez, Appellant

Cause called. Janelle M. Boustany, Supervising Deputy Attorney General, argued for Respondent.

Martha M. Hall argued for Appellant.

Ms. Boustany replied.

Cause submitted.

S058378 Thomas B. Fletcher, Petitioner
 v.
 Commission on Judicial Performance, Respondent
 Cause called. Dennis A. Fischer argued for Petitioner.
 Jack Coyle, Commission Trial Counsel, argued for Respondent.
 Mr. Fischer replied.
 Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.
Members of the Court and Officers present as first shown.

S050162 Frederick Hoff et al., Appellants
 v.
 Vacaville Unified School District, Respondent
 Cause called. Marjorie E. Manning argued for Respondent.
 Michael W. Milward argued for Appellants.
 Ms. Manning replied.
 Cause submitted.

S053418 Salvador Calvillo-Silva et al., Appellants
 v.
 Home Grocery et al., Respondents
 Cause called. Susan H. Handelman argued for Respondents.
 Tony J. Tanke argued for Appellants.
 Ms. Handelman replied.
 Cause submitted.

Chief Justice George, not participating in consideration of the following case, departed from the bench.

The Honorable J. Clinton Peterson, Court of Appeal, First District, Division Five, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S030514 In re Kenneth Earl Gay

on

Habeas Corpus

Cause called. Martin H. Dodd argued for Petitioner.

Lance E. Winters, Supervising Deputy Attorney General, argued for Respondent.

Mr. Dodd replied.

Cause submitted.

Court recessed until 9:00 a.m., Wednesday, October 7, 1998.

S051702 In re **Mark Alan Whitefield** on Discipline

It is ordered that the probation previously ordered in S051702 (94-O-15675) be extended for a period of one year and that **Mark Alan Whitefield** is also ordered to comply with the additional conditions of probation recommended by the Hearing Department of the State Bar Court in its order dated June 16, 1998, approving the stipulation filed June 22, 1998. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be added to and become part of the membership fee for 1999.

S056769 In re **Charles Harold Kavalaris** on Discipline

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above-entitled matter is lifted and **Charles Harold Kavalaris** shall be actually suspended from the practice of law for sixty days. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with section 6140.7.

S059332 In re **Gary Kenneth Green** on Discipline

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above-entitled matter is lifted, and **Gary Kenneth Green** shall be actually suspended from the practice of law for 30 days. Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and are payable in accordance with Bus. & Prof. Code section 6140.7, as amended effective January 1, 1997.